



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,304	07/09/2003	BRUCE PRESTON WILLIAMS	202-1228	1303
7590 Artz & Artz, P.C. 28333 Telegraph Road Suite 250 Southfield, MI 48034		06/07/2007	EXAMINER PHAN, HAU VAN	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 06/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/604,304  
Filing Date: July 09, 2003  
Appellant(s): WILLIAMS, BRUCE PRESTON

**MAILED**

JUN 07 2007

**GROUP 3600**

---

Jerome Drouillard  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/28/2007 appealing from the Office action  
mailed 7/7/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,874,806	Blake	4-2005
6,685,204	Hehr	2-2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blake (6,874,806) figure 8 in view of Blake figure 5B or figure 6.**

Blake in figures 8, discloses a trailer hitch cover for a motor vehicle. The trailer hitch cover includes a structure, which is capable to use as a step. Blake discloses a rear structural member (518) located at a rear end of a body, a trailer hitch (14) attached to the structure member, a pair of bracket (514) attached to the structural member and spaced a predetermine distance apart and a rear bumper (512) configured to both cover the structural member and to allow for access to the bracket. Blake also discloses a cover or a step (516) pivotally coupled to the bracket and operative to articulate about an axis between first and second positions. Blake discloses a body of vehicle without showing a front end, a roof and a plurality of wheels coupled to the body, but Blake discloses trailer hitch cover for the motor vehicle. It should be well known in the art that the vehicle must have the front end, the roof and wheels couple to the body. Blake in figure 8, fails to show the trailer hitch is not operable in the first position, which is a close position.

Blake in figures 5B or figure 6, teaches a trailer hitch cover assembly (110) including a trim fascia (170). The trim fascia has an aperture or a window (180). The trailer hitch cover assembly includes a cover assembly (286, figure 6, 186, figure 5B). The cover assembly includes a rotatable door or a cover plate (156, col. 7, lines 1-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover plate or the step of Blake in figure 8 with the trailer hitch cover assembly having an aperture or a window, which includes a rotatable window or a cover plate as taught by Blake in figure 5B in order to provide an access to the trailer hitch with the cover plate or the step in the first position or the second position.

Regarding claim 2, Blake discloses the rear structural member, which is formed with the brackets integral therewith.

Regarding claim 3, Blake discloses the brackets, which are independent pieces and are attached to the rear structural member by one of welding, bolting, and riveting means.

Regarding claim 4, Blake discloses the brackets extending a predetermined distance from the structural member and the bumper.

Regarding claim 5, Blake discloses the step, which is u-shaped (An U shaped is formed when an opening is cut for the rotatable window) having two leg members, with one of the leg members each attached to each of the brackets, and a planar member disposed between the leg members and wherein the planar member has a first side and a second side.

Regarding claim 6, Blake discloses the planar member, which is substantially vertically oriented when the step is in the first position, and substantially horizontally oriented to provide a step when in the second position.

Regarding claim 7, Blake discloses the first side of the step providing a stepping surface when the step is in the second position and wherein the first side includes a plurality of traction improving grooves (58, as suggested in figure 4B for traction) extending perpendicular to the axis for the length of the planar member.

Regarding claim 8, Blake discloses the leg members, which are contoured to render the step flush with the bumper when the step is in the first position.

Regarding claim 11, Blake discloses a lockout mechanism (526) for the step.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blake (6,874,806) figure 8 in view of Blake figure 5B or figure 6 as applied to claim 1 above, and further in view of Hehr (6,685,204).**

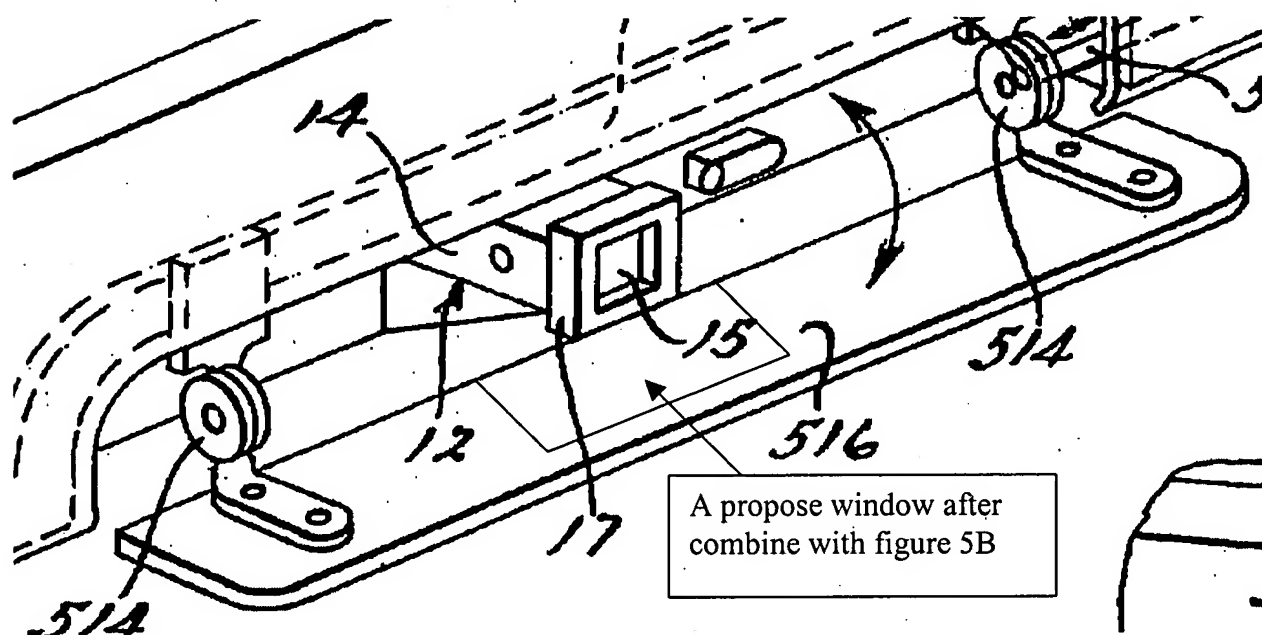
Blake discloses the locking mechanism having a sliding pin, but fails to show a spring, a handle and a retainer.

Hehr in figures 20-21, teaches a locking mechanism having a sliding pin (120), a handle (124), a spring (130) and a retainer (126). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the locking mechanism of Blake with the locking mechanism having a sliding pin, a handle, a spring and a retainer as taught by Hehr in order to operate the locking mechanism manually.

#### **(10) Response to Argument**

In response to Appellant that Blake teaches neither teaches or suggest anything regarding a step, which is pivotably coupled so as to allow the step to be articulated about an axis between first and second positions so that a trailer hitch may be operational when the step is in either of the first or second positions. absolutely nothing about a rotatable window through which a hitch may be inserted. The examiner disagrees, because Blake in figure 8 discloses a cover plate (516) having a structure, which can be used as a step. The cover plate includes a pair of hinge assemblies (514) that are used to allow the cover plate or the step to be articulated about an axis between first and second positions, but the cover plate does not an aperture or a window. Blake in figures 5B or figure 6, teaches a trailer hitch cover assembly (110) including a trim fascia (170). The trim fascia has an aperture or a window (180). The trailer hitch cover assembly includes a cover assembly (286, figure 6, 186, figure 5B). The cover assembly includes a rotatable door or a cover plate (156, col. 7, lines 1-42) to cover the aperture or the window for the hitch can be inserted (see below drawing with a propose window after combine with figure 5B). The Appellant also argues that the Examiner's drawing, in the final Office Action, of a cover having a window is wholly

unsupported by Blake and is merely hindsight reconstruction of Appellant's invention. Appellant also requests the examiner describe any scintilla of evidence within the four corners of Blake setting forth a hinged cover having an aperture permitting passage of a trailer hitch when the cover is both open or closed. The examiner response that Blake in figure 5B, discloses a cover (186) having a window, which is covered by a door (156). The door is rotatable in first and second positions. The trailer hitch can be access if the cover (186) in a close position and door remain in an open position. Figure 5B of Blake teaches the concept to have the window for permitting passage of the trailer hitch when the cover is both open or close. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover in figure 8 of Blake with the cover having a window as taught in figure 5B in order to permit an access to the trailer hitch in both positions.





Art Unit: 3618

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hau Phan /*HauPhan*/

Conferees:

Christopher Ellis

Meredith Petryck

Handwritten signatures of Christopher Ellis and Meredith Petryck. Christopher Ellis's signature is written over his name and extends upwards. Meredith Petryck's signature is written over her name.